

Judgment Debtor is Roy D. Schahrer, who is an individual residing in Chandler, Arizona. Upon issuance and service of the writ upon the Garnishee, Judgment Debtor may be served at their residence located in Chandler, Arizona.

II. JURISDICTION AND VENUE

This court has jurisdiction over this matter pursuant to 28 U.S.C. §1332(a)(1) because there is complete diversity between the parties.

Venue is proper in this Court because the original proceeding in which judgment was entered in favor of Garnishor and against Judgment Debtor was docketed in this Court in Cause No. 7:11-cv-00031-0; Roper v. Mitchell Abbott et al, in the Northern District of Texas, Wichita Falls Division.

III. ISSUANCE OF WRIT OF GARNISHMENT

On April 9, 2012, Richard B. Roper, Receiver obtained a judgment against Roy D. Schahrer for the sum of a principal balance of \$12,247.42 plus post-judgment interest at a rate of 0.12% per annum. A true and correct copy of the Final Judgment is attached to the Affidavit of Richard B. Roper, attached hereto as Exhibit A ("Richard B. Roper Affidavit"), and incorporated herein by reference. See Richard B. Roper Affidavit at ¶3, Ex. A-1. As of January 8, 2016 the total judgment amount is \$12,247.42.

Said judgment is valid and subsisting and remains unsatisfied. See Richard B. Roper Affidavit at ¶4.

Judgment Debtor does not possess, within Richard B. Roper, Receiver's knowledge, any property in Texas subject to execution sufficient to satisfy said judgment. See Richard B. Roper Affidavit at ¶5.

This garnishment is not sought to injure or harass either the Judgment Debtor or the Garnishee. See Richard B. Roper Affidavit at ¶6.

Richard B. Roper, Receiver has reason to believe, and does believe, that Garnishee is indebted to the Judgment Debtor by reason of one or more bank accounts, in the name of Roy D. Schahrer. *See* Richard B. Roper Affidavit at ¶7.

Pursuant to Federal Rule of Civil Procedure 64, the remedies of the State of Texas are available for the seizure of property for the purpose of securing satisfaction of the judgment. The applicable statutes and rules for issuance of a writ of garnishment under Texas law are set forth in Texas Civil Practices & Remedies Code §§63.001, *et seq.*

Richard B. Roper, Receiver is entitled to the issuance of a writ of garnishment on the grounds stated above and in the attached affidavit of Richard B. Roper.

IV. CONCLUSION

WHEREFORE, Richard B. Roper, Receiver respectfully asks that a Writ of Garnishment be issued and served upon the said Garnishee and that Richard B. Roper, Receiver have judgment against Garnishee to satisfy the judgment against Judgment Debtor, as provided by law, together with all costs of court incurred in this proceeding, and such other and further relief to which Richard B. Roper, Receiver may be justly entitled.

DATED: January 8, 2016

Respectfully Submitted,
Lam, Lyn & Philip, P.C.

By: 

Jeremy M. Jones
State Bar No. 24078753
Federal ID No. 2166191
Kurt L. Lyn
State Bar No. 00786078
Federal ID No. 16587
6213 Skyline Drive, Suite 2100
Houston, Texas 77057
Phone: 713-981-0900
Facsimile: 713-772-7085